

Louis J. Testa (LT2213)
Neubert, Pepe, & Monteith, P.C.
195 Church Street, 13th Floor
New Haven, Connecticut 06510
Tel. 203.821.2000 / Fax 203.821.2008
Counsel to Saylavee, LLC

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

DUCKY INTERACTIVE, INC

Case No. 05-23456

Debtor,

(Chapter 7)

Saylavee, LLC,

Appellant,

v.

No. 7:08 CV. 01903 (SCR) (LMS)

Ducky Interactive, Inc., Scott B. Hockler,
and Jeffrey L. Sapir, Esq.,

Before Hon. Stephen C. Robinson

Appellees',

**MOTION FOR EXTENSION OF TIME FOR FILING OF BRIEF ON APPEAL
PURSUANT TO RULE 8009(a) Fed. R. Bankr. P.**

Appellant, Saylavee, LLC., ("Saylavee") by its counsel Neubert, Pepe, & Monteith, P.C. (by Louis J. Testa, Esq.) as and for a motion, pursuant to Rule 8009(a) Fed. R. Bankr. P.¹, seeking entry of an order extending the period of time for Saylavee to file a brief on appeal in this action, states the following as grounds therefore:

BACKGROUND

1. On January 28, 2008, Saylavee filed a Notice of Appeal ("Appeal") from the

¹ Unless otherwise stated all references to "Rule" or "Rules" shall mean the Federal Rules of Bankruptcy procedure.

Order ("Bankruptcy Order") of the Honorable Adlai Harding Jr., United States Bankruptcy Judge entered in the Bankruptcy Case of Ducky Interactive, Inc., ("Bankruptcy Case") on January 18, 2008 (Doc No. 156).

2. The Bankruptcy Order approved the motion of Jeffrey L. Sapir, Esq., Chapter 7 Trustee, authorizing a compromise and settlement pursuant to a settlement agreement dated June 19, 2007.

3. On February 26, 2008, the Appeal was entered on the docket of the United States District Court, Southern District of New York pursuant to Rule 8007 and was assigned the civil action number referenced above.

RELIEF REQUESTED

4. Saylavee now seeks entry of an Order pursuant to Rule 8009 (a) extending , for a period of forty-five (45) days until April 29, 2008, the time within which Saylavee, as Appellant is required to file and serve a brief in this Appeal pursuant to Rule 8009 (a)(1).

GROUND FOR RELIEF

5. Pursuant to Rule 8009(a) unless otherwise ordered by the District Court, an appellant shall serve and file a brief pursuant to Rule 8009 (a)(1) within fifteen (15) days after entry of the appeal on the docket.

6. The Court has designated March 15, 2008 ("Brief Due Date") as the time for Saylavee to file and serve its brief in this case.

7. Pursuant to Rule 8011(b) motions for procedural orders may be acted on by the Court at any time without awaiting a response thereto and without hearing. Any party adversely affected by any such action may move for consideration or vacation or modification of the action.

8. It is with respectively submitted that the relief requested herein is the type of motion envisioned as one for a procedural order under Rule 8011(b).

9. Sufficient grounds exist to grant the relief requested by Saylavee which include but are not limited to the following:

(a) The instant appeal is one of three (3) filed in close proximity which, to a significant degree, contain overlapping issues of law and fact sought to be addressed on appeal;² and

(b) Upon information and belief original bankruptcy counsel for Appellee, Scott B. Hockler has not as yet been retained for the appeals; and

(c) Each of the appeals have been designated as related and are assigned to the same district judge and magistrate judge; and

(d) The interests of judicial economy would be served by a joinder of the appeals which relief is anticipated to be sought by Saylavee; and

(e) The combined content of the issues and facts raised on appeal are extensive and additional time is required to adequately brief the issues for the Court than that provided under Rule 8009; and

(f) No party in interest shall suffer prejudice or irreparable harm as a result of the requested extension of time.

10. No prior application for the relief requested herein has been made.

Wherefore, Saylavee, LLC respectfully requests that the Court issue an Order, pursuant to Rules 8009(a) and 8011 (b) Fed. R. Bankr. P., extending the time within which Saylavee shall be required to file a brief on appeal, without awaiting a response to this motion and without a hearing, for a period of forty-five (45) days from March 15, 2008 until April 29, 2008, and for

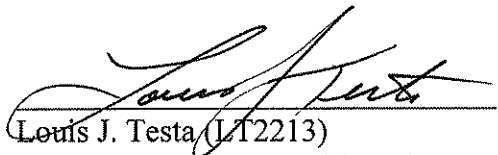
² Civil Action Nos.: 7:08-CV-01897 (SCR), 7:08-CV-01901 (SCR), and 7:08-CV-01903 (SCR).

such other and further relief that the Court may deem just and proper.

Dated: New Haven, Connecticut
March 14, 2008

SAYLAVEE, LLC
APPELLANT

By:


Louis J. Testa (LJ2213)
Neubert, Pepe & Monteith, P.C.
195 Church Street, 13th Floor
New Haven, Connecticut 06510
Tel. 203-821-2000 / Fax 203-821-2008
Email: ltesta@npmlaw.com

Louis J. Testa (LT2213)
Neubert, Pepe, & Monteith, P.C.
195 Church Street, 13th Floor
New Haven, Connecticut 06510
Tel. 203.821.2000 / Fax 203.821.2008
Counsel to Saylavee, LLC

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

DUCKY INTERACTIVE, INC

Case No. 05-23456

Debtor,

(Chapter 7)

Saylavee, LLC,

Appellant,

v.

No. 7:08 CV. 01903 (SCR) (LMS)

Ducky Interactive, Inc., Scott B. Hockler,
and Jeffrey L. Sapir, Esq.,

Before Hon. Stephen C. Robinson

Appellees',

**ORDER GRANTING EXTENSION OF TIME FOR FILING OF BRIEF ON APPEAL
PURSUANT TO RULE 8009 (A) Fed. R. Bankr. P.**

Appellant, Saylavee, LLC ("Saylavee") having moved for an Order, pursuant to Rule 8009(a) Fed. R. Bankr. P., seeking an extension of time within which to file a Brief on Appeal in this action,

Upon reading and filing the Motion for Extension of Time for Filing of Brief on Appeal Pursuant to Rule 8009(a) Fed. R. Bankr. P., dated March 14, 2008 ("Motion") together with due proof of service thereof, and due deliberation having been had hereon, and good and sufficient

cause appearing,

NOW, upon Motion of Saylavee, LLC by its counsel, Neubert, Pepe, & Monteith, P.C.,
(by Louis J. Testa, Esq.) it is hereby

ORDERED, that the Motion be, and the same hereby is **GRANTED**; and it is further

ORDERED, that pursuant to Rule 80009(a) Fed. R. Bankr. P., Saylavee is hereby
granted an extension of time for a period of forty-five days (45) until April 29, 2008, within
which to file a Brief on Appeal in this action.

Dated: White Plains, NY
March __, 2008

Hon. Lisa Margaret Smith
Magistrate Judge